

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PETER TINKHAM, ET AL.  
PLAINTIFFS

V.

CIVIL ACTION  
NO. 05-10470 MLW

DOREEN R. KELLY, ET AL.  
DEFENDANTS

AFFIDAVIT OF PLAINTIFF ALEXANDER

I, Juliet Alexander, state under oath as follows:

1. I am a Plaintiff Pro se in the above-entitled action.
2. On June 20th, 2005, I contracted with Constable Stephen McGrath to effect service on all Defendants who had declined to return their signed Waivers of Service of Summons.
3. On June 30, 2005, I gave him six copies of summonses and complaints to serve on the six Defendants who did not return their Waivers of Service of Summons.
4. I did not include Defendant Verret in that number on account of the earnest representation of her attorney, John Davis, that her signed Waiver of Service of Summons would be forthcoming forthwith.

Signed under the penalties of perjury this 11<sup>th</sup> day of July, 2005.

  
Juliet Alexander

AO 398 (Rev. 12/93)

**NOTICE OF LAWSUIT AND REQUEST FOR  
WAIVER OF SERVICE OF SUMMONS**

ATTACHMENT 7

TO: (A) MARGARET VERRET  
 as (B) \_\_\_\_\_ of (C) \_\_\_\_\_

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the

(D) EASTERN DIVISION District of MASSACHUSETTS  
 and has been assigned docket number (E) 05-10470 MLW

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within (F) 30 days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth at the foot of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff, this 15<sup>th</sup> day of JUNE, 2005.

  
 Signature of Plaintiff's Attorney  
 or Unrepresented Plaintiff

A—Name of individual defendant (or name of officer or agent of corporate defendant)

B—Title, or other relationship of individual to corporate defendant

C—Name of corporate defendant, if any

D—District

E—Docket number of action

F—Addressee must be given at least 30 days (60 days if located in foreign country) in which to return waiver

SENDER COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <i>Margaret Verret</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>MARGARET VERRET 35 Cottage Street Sharon MA 02067</p>		<p>B. Received by (Printed Name)</p>	<p>C. Date of Delivery</p>
<p>2. Article Number (Transfer from service label) <b>7004 2510 0007 0847 4227 12</b></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	
<p>PS Form 3811, February 2004</p>		<p>Domestic Return Receipt 102595-02-M-1640</p>	

U.S. Postal Service	
<b>CERTIFIED MAIL RECEIPT</b>	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$ 3.85
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.90
UNIT ID: 0334	
Postmark Here	
Clerk: B7MDC	
02334	
04/05	
Sent To <i>MARGARET VERRET</i>	
Street, Apt. No., or PO Box No. <i>35 Cottage Street</i>	
City, State, ZIP+4 <i>Sharon, MA 02067</i>	
PS Form 3800, June 2002 See Reverse for Instructions	

**PIERCE, DAVIS & PERRITANO, LLP**

COUNSELLORS AT LAW

Joel F. Pierce  
John J. Davis \*  
Judith A. Perritano  
John J. Cloherty III \*

TEN WINTHROP SQUARE  
BOSTON, MA 02110-1257

TELEPHONE (617) 350-0950  
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James M. Dunn ♦  
David C. Hunter †  
Danielle T. Jenkins \*  
Robert S. Ludlum † ♦  
Maureen L. Pomeroy  
Daniel G. Skrip ♦  
Darlene M. Tonucci ■

Of counsel:  
Gerald Fabiano  
Jeffrey M. Sankey\*

\* also admitted in RI  
♦ also admitted in PA  
† also admitted in NY  
● also admitted in CT  
■ also admitted in FL

June 28, 2005

Juliet B. Alexander  
Peter F. Tinkham  
P.O. Box 466  
Hopkinton, MA 01748-9998

Re: Peter Tinkham, et al  
vs. Doreen R. Kelly, et al  
U.S.D.C. (D. Mass.) C.A. No. 05-10470MLW  
Our File No.: 164-0403237

Dear Ms. Alexander and Mr. Tinkham:

Please be advised that this office has been retained to represent the several Town of Sharon School Department officials, employees and representatives named as defendants in the suit recently brought against them (and others) on your own behalf and on behalf of your minor daughter, Samantha Tinkham, in United States District Court. Specifically, we represent Superintendent Claire W. Jackson, Ph.D.; Doreen R. Kelly; Judith M. Alberton; Joan Bernheimer, Ph.D.; Margaret Verret, R.N.; Robert Doyle, Ph.D.; Dr. Jean Curtis Loud; Donna Kyed; and Barry Mintzer, Esq.

Each of our clients received from you a copy of the Complaint (with attached Appendices and Exhibits), together with a "Waiver of Service of Summons" form. Our clients are now in the process of executing those Waiver forms and returning them to our office. Upon our receipt of the signed forms, we will forward the same to your attention. Please advise us of your correct mailing address. The Civil Cover Sheet filed with the District Court identifies your address as a P.O. Box in Hopkinton, Massachusetts, while the Docket Sheet identifies your address as a P.O. Box in Easton, Massachusetts. To which address should the executed Waiver forms be sent?

**PIERCE, DAVIS & PERRITANO, LLP**

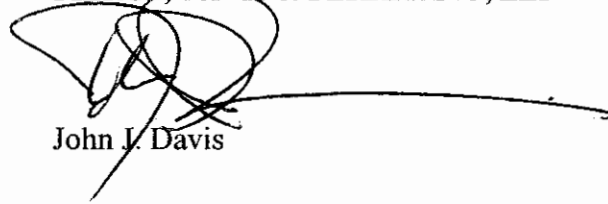
June 28, 2005

Page 2

Thank you for your attention to this matter.

Very truly yours,

**PIERCE, DAVIS & PERRITANO, LLP**

A handwritten signature in black ink, appearing to be "John J. Davis", is written over the firm name. The signature is stylized with a large loop and a long horizontal stroke extending to the right.

cc: P.O. Box 1075, Easton, MA 02334  
Harry C. Beach, Esq.

June 30, 2005

John J. Davis  
Pierce, Davis & Perritano  
Ten Winthrop Square  
Boston, MA 02110 - 1257

Re: Peter Tinkham v Doreen Kelly  
U.S. District Court Civil Action # 05-10470 MLW

Dear Mr. Davis,

We are in receipt of your letter of the 28th instant in which you request clarification on where to send the waivers that your several clients are "in the process of executing".

Please be advised that the stamped envelopes supplied to each of your clients with those waivers are addressed to

Juliet Alexander  
P.O. Box 466  
Hopkinton, MA 01748 - 9998

This is a post office box we secured upon filing our complaint to allow each Defendant and/or his attorney to correspond with us at a mailing address in Massachusetts and to insure our prompt and unified notification of all said correspondence. As you know, everything filed in a federal case is time specific. Therefore, kindly direct all of your mailings to us at this address.

According to the waiver instructions also furnished to each of your clients, those waivers must be returned and be in our hands on a date certain. That date, allowing them a few extra days for our slightly delayed mailing, is July 3, 2005.

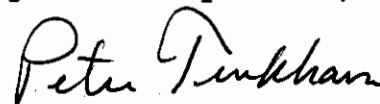
We note that your letter is copied to a Harry C. Beach, Esq. If this person is an attorney representing other clients in this action, you may want to give him a copy of our letter so that he will be informed that if his client(s) signed waivers are not returned by July 3, 2005, we will effect, and they will pay the cost of, service by other means.

If you or any opposing counsel you may know of are willing to waive in writing any objection to service for purposes of a prospective Rule 12 (b) Motion, we will accept in good faith that the signed waivers will be returned to us by July 8, 2005.

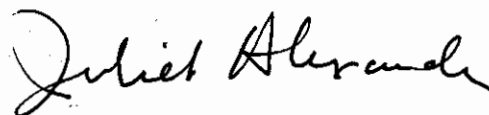
Please note that your client, Jean Loud, has already returned her signed waiver..

We remain

Very Cordially Yours,



Peter F. Tinkham



Juliet Alexander



7004 2890 0004 2079 9809

U.S. Postal Service <sup>TM</sup>		
<b>CERTIFIED MAIL<sup>TM</sup> RECEIPT</b>		
(Domestic Mail Only; No Insurance Coverage Provided)		
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>		
<b>OFFICIAL USE</b>		
Postage	\$ 3.85	UNIT ID: 0462
Certified Fee	2.30	Postmark Here
Return Receipt Fee (Endorsement Required)	1.75	Clerk: RM3K80
Restricted Delivery Fee (Endorsement Required)		07/01/05
Total Postage & Fees	\$ 7.90	
Sent To <b>John Davis Esq</b>		
Street, Apt. No., or PO Box No. <b>10 Winthrop Square</b>		
City, State, ZIP+4 <sup>®</sup> <b>Boston MA 02110</b>		
PS Form 3800, June 2002 See Reverse for Instructions		



**PIERCE, DAVIS & PERRITANO, LLP**

COUNSELLORS AT LAW

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BOSTON, MA 02110-1257

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Joel F. Pierce  
John J. Davis \*  
Judith A. Perritano  
John J. Cloherty III \*

Of counsel:  
Gerald Fabiano  
Jeffrey M. Sankey\*

James M. Dunn ♦  
David C. Hunter †  
Danielle T. Jenkins \*  
Robert S. Ludlum †●  
Maureen L. Pomeroy  
Daniel G. Skrip ♦  
Darlene M. Tonucci ■

\* also admitted in RI  
♦ also admitted in PA  
† also admitted in NY  
● also admitted in CT  
■ also admitted in FL

July 1, 2005

Juliet B. Alexander  
Peter F. Tinkham  
P.O. Box 466  
Hopkinton, MA 01748-9998

Re: Peter Tinkham, et al  
vs. Doreen R. Kelly, et al  
U.S.D.C. (D. Mass.) C.A. No. 05-10470MLW  
Our File No.: 164-0403237

Dear Ms. Alexander and Mr. Tinkham:

Please find enclosed "Waiver of Service of Summons" forms executed by the defendants, Judith M. Alberton, Dr. Joan Bernheimer, Dr. Robert J. Doyle and Attorney Barry Mintzer. My clients' remaining forms will be forwarded under separate cover.

Thank you for your attention to this matter.

Very truly yours,

**PIERCE, DAVIS & PERRITANO, LLP**

  
John J. Davis

Enclosures

cc: Harry C. Beach, Esq. (w/out enclosures)

July 3, 2005

John J. Davis, Esq.  
Pierce, Davis & Perritano  
Ten Winthrop Square  
Boston, MA 02110-1257

Re: Peter Tinkham v. Doreen R. Kelly  
U.S. District Court Civil Action # 05-10470 MLW

Dear Mr. Davis,

We received, on the second instant, the four signed waivers of Defendants Mintzer, Doyle, Bernheimer and Alberton and your earnest representation that your remaining clients were in the process of executing theirs.

We will, in good faith, take this to mean that these waivers will be in our hands as of July 8, 2005 and we will not, therefore, effect service upon them.

We thank you for your courtesy and remain

Very cordially yours,



Peter Tinkham



Juliet Alexander

**PIERCE, DAVIS & PERRITANO, LLP**

COUNSELLORS AT LAW

Joel F. Pierce  
John J. Davis \*  
Judith A. Perritano  
John J. Cloherty III \*

TEN WINTHROP SQUARE  
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Of counsel:  
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David C. Hunter †  
Danielle T. Jenkins \*  
Robert S. Ludlum † ♦  
Maureen L. Pomeroy  
Daniel G. Skrip ♦

\* also admitted in RI  
♦ also admitted in PA  
† also admitted in NY  
● also admitted in CT

July 6, 2005

Juliet B. Alexander  
Peter F. Tinkham  
P.O. Box 466  
Hopkinton, MA 01748-9998

Re: Peter Tinkham, et al  
vs. Doreen R. Kelly, et al  
U.S.D.C. (D. Mass.) C.A. No. 05-10470MLW  
Our File No.: 164-0403237

Dear Ms. Alexander and Mr. Tinkham:

Please find enclosed the original "Waiver of Service of Summons" form executed by the defendant, Donna M. Kyed. The forms of the remaining Sharon defendants (Dr. Claire Jackson, Doreen Kelly and Margaret Verret, R.N.) are en route and will be forwarded under separate cover.

This also confirms my receipt of your correspondence dated June 30, 2005, instructing this office to direct all future mailings to the P.O. Box address in Hopkinton, Massachusetts. We shall be pleased to do so. We shall interpret your instructions as plaintiffs' written consent to our service of all pleadings and other papers in this matter upon your Hopkinton address only in accordance with L.R. 5(a) & 5(b)(2)(D).

Further, in response to your inquiry, Attorney Harry C. Beach serves as counsel for the Sharon School Department. This office, however, has been retained to represent each of the nine (9) individually-named Sharon School officials, employees or representatives. My Notice of Appearance on behalf of all Sharon School defendants will be filed shortly.

Finally, in response to your final paragraph concerning prospective Rule 12(b) motions, please be advised that my clients reserve all rights to file such a motion (or motions), and expressly waive no rights, defenses or objections whatsoever.

**PIERCE, DAVIS & PERRITANO, LLP**

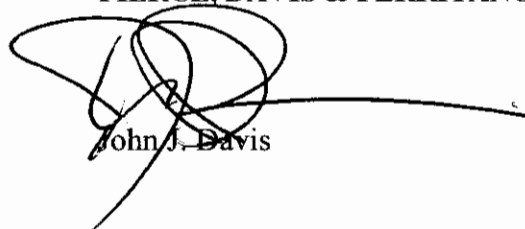
July 6, 2005

Page 2

Thank you for your attention to this matter.

Very truly yours,

**PIERCE, DAVIS & PERRITANO, LLP**

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right. The signature is written over the printed name "John J. Davis".

John J. Davis

Enclosure

cc: Harry C. Beach, Esq. (w/out enclosure)

**PIERCE, DAVIS & PERRITANO, LLP**

COUNSELLORS AT LAW

Joel F. Pierce  
John J. Davis \*  
Judith A. Perritano  
John J. Cloherty III \*

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Daniel G. Skrip ♦

Of counsel:  
Gerald Fabiano

\* also admitted in RI  
♦ also admitted in PA  
† also admitted in NY  
● also admitted in CT

July 7, 2005

Juliet B. Alexander  
Peter F. Tinkham  
P.O. Box 466  
Hopkinton, MA 01748-9998

*Re: Peter Tinkham, et al vs. Doreen R. Kelly, et al*  
*U.S.D.C. (D. Mass.) C.A. No. 05-10470MLW*  
*Our File No.: 164-0403237*

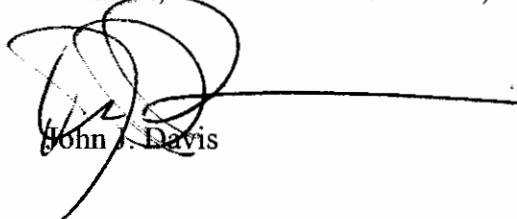
Dear Ms. Alexander and Mr. Tinkham:

Please find enclosed the original "Waiver of Service of Summons" forms executed by the defendants, Dr. Claire Jackson and Doreen Kelly, with regard to the above-referenced matter.

Thank you for your attention to this matter.

Very truly yours,

**PIERCE, DAVIS & PERRITANO, LLP**



John J. Davis

JJD/kd  
Enclosures

cc: Harry C. Beach, Esq. (w/out enclosure)